

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PHNL031001WO	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/IB2004/051337	International filing date ( <i>day/month/year</i> ) 30 July 2004 (30.07.2004)	Priority date ( <i>day/month/year</i> ) 18 August 2003 (18.08.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KONINKLIJKE PHILIPS ELECTRONICS N.V.			

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).		
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.  In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.		
3.	This report contains indications relating to the following items:		
<input checked="" type="checkbox"/>	Box No. I	Basis of the report	
<input type="checkbox"/>	Box No. II	Priority	
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	
<input type="checkbox"/>	Box No. IV	Lack of unity of invention	
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
<input type="checkbox"/>	Box No. VI	Certain documents cited	
<input type="checkbox"/>	Box No. VII	Certain defects in the international application	
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application	
4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).		

	Date of issuance of this report 21 February 2006 (21.02.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Idhir Britel
Facsimile No. +41 22 740 14 35	Telephone No. +41 22 338 70 60

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 16 NOV 2004

WPO

PCT

To:

see form PCT/ISA/220

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

### FOR FURTHER ACTION

See paragraph 2 below

International application No.  
PCT/B2004/051337

International filing date (day/month/year)  
30.07.2004

Priority date (day/month/year)  
18.08.2003

International Patent Classification (IPC) or both national classification and IPC  
A47J31/06, A47J31/40

Applicant  
KONINKLIJKE PHILIPS ELECTRONICS N.V.

#### 1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

#### 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk - Pays Bas  
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl  
Fax: +31 70 340 - 3016

Authorized Officer

Van Bastelaere, T

Telephone No. +31 70 340-4602



**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - a sequence listing
    - table(s) related to the sequence listing
  - b. format of material:
    - in written format
    - in computer readable form
  - c. time of filing/furnishing:
    - contained in the international application as filed.
    - filed together with the international application in computer readable form.
    - furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/IB2004/051337

---

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
Industrial applicability; citations and explanations supporting such statement**

---

**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

0. Reference is made to the following documents:

D1: NL-C-1 020 735 (KLAASSEN ANTONIUS) 15 July 2002 (2002-07-15)

D2: WO200115582 (SARA LEE) 8 March 2001

1. D1 discloses (see p 5, line 29 - p.7, and figures) a beverage making device (koffiemachine senseo crema) comprising a brewing chamber for enclosing a pad (filter 1) containing a substance from which the beverage is brewed, the brewing chamber having an upper wall with one or more holes through which heated water can enter the brewing chamber, which upper wall can hinge from a substantially horizontal brewing position in which the pad can be removed from the brewing chamber, whereby a substantial portion of the surface of said upper wall is provided with protrusions (see figure 3) having a height of more than 0,5mm, the distance between every two neighboring protrusions being less than 12mm (follows implicitly out of the measurements in claims 4-9 and the drawings).

(A similar machine is described in D2, in which more details about the preamble are published, but which are also clearly implicitly present in D1.)

Hence the subject-matter of **claim 1 is not novel** (Art 33(2) PCT).

2. Since the same reasoning can be made for the **method claim 11**, this claim does also **not** meet the requirements of the PCT with respect to **novelty**.

3. Dependent **claims 2-10** do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT **\*in respect of novelty** (Art. 33 (2) PCT), because their features are disclosed in documents D1 or D2  
**\*or in respect of inventive step** (Art. 33 (3) PCT), because their subject-matters refer to features which are generally known (see e.g the documents cited in the search report) or which come within the scope of customary practice of a person skilled in the art.